IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Bail Appl..No. 7617 of 2006()

CP.94/2005 of J.M.F.C.-II,NEYYATTINKARA

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PETITIONER/2ND ACCUSED :

SUMEDAN, S/O. SRIDHARAN,
POOVAKUZHI VEEDU, ARUMANOOR,
THIRUPPURAM VILLAGE, THIRUVANANTHAPURAM

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS:

STATE OF KERALA REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE, POOVAR POLICE STATION

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7617 of 2006

DATED: December 19, 2006

O R D E R

Petitioner who is the 2nd accused in Crime No.28 of 2005 of Poovar Police Station for offences punishable under Secs. 8(1) and 8(2) of the Abkari Act seeks anticipatory bail. Consequent on the non-appearance of the petitioner before the committal court namely, J.F.C.M.- II, Neyyattinkara the case is now pending as C.P. 94/05 and non-bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court. Accordingly, if the petitioner surrenders before the J.F.C.M.-II, Neyyattinkara and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is dismissed.

V.RAMKUMAR,
JUDGE.

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